

RESOLUTION NO. 2016 - 10

A Resolution authorizing the acquisition of property for the 5th Street transportation bond project, and exercising the power of eminent domain.

RECITALS:

The City of McMinnville may exercise the power of eminent domain under ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City Council to accomplish public purposes for which the City has responsibility.

The City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

The City is acting to improve NE 5th Street, from Adams Street to Lafayette Avenue, including the installation of traffic signals, pedestrian safety improvements, and pavement upgrades consistent with the City's adopted 2010 Transportation System Plan, and funding for the project was included in the voter approved 2014 Transportation Improvement bond measure.

The project has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of transportation infrastructure so that property damage is minimized, transportation promoted, and travel safeguarded.

To accomplish the Project, it is necessary to acquire the fee title interest in nine (9) parcels and a temporary constructing easement over one parcel of property located along the existing City right-of-way, as described and shown in the attached exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

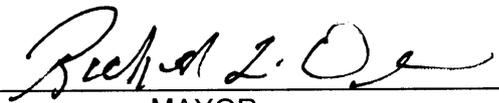
1. The foregoing statements of authority and need are true and the Project is in the public interest.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in the attached Exhibit A subject to payment of just compensation and to procedural requirements of Oregon law.
3. The City's staff and the City's agents are authorized to negotiate an agreement with the owner and other persons in interest as to the compensation to be paid for each acquisition and, in the event that no satisfactory agreement can be reached, the City's staff and the City's agents are authorized to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition.
4. The City of McMinnville expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 23rd day of February 2016 by the following votes:

Ayes: Drabkin, Hill, Jeffries, Menke, Yoder

Nays: _____

Approved this 23rd day of February 2016.



MAYOR

Approved as to form:



CITY ATTORNEY

R/W Needs							02/10/2016
Number	Location	Property Owner	Property Address	Fee	TCE	ROW to be acquired	Comments
5th/Adams							
1	SE	Citizens Bank	120 NE 5th St, McMinnville OR 97128	15.59 sf	0.00 sf	Yes	In order to maintain the ADA required 4' x 4' landing the signal pole needs to be located behind the sidewalk. The signal pole will have the ped crossing buttons and needs to be located at the back of the single parallel ramp.
2	NW	Henry, Clay	109 NW 5th St, McMinnville OR 97128	22.13 sf	0.00 sf	Yes	In order to maintain the ADA required 4' x 4' landing the signal pole needs to be located behind the sidewalk. The signal pole will have the ped crossing buttons and needs to be located at the back of the single parallel ramp.
5th/Baker							
3	SE	Oregon Mutual Insurance Co.	400 NE Baker St McMinnville OR 97128	116.11 sf	0.00 sf	Yes	Signal pole location for EB 5th traffic. Pole needs to be located at the back side of sidewalk to maintain 4' x 4' ADA landing and 10' from OH lines. Closer than 10' and the OH lines need to be relocated.
4	SW	Citizens Bank	455 NE Baker St McMinnville OR 97128	88.05 sf	0.00 sf	Yes	Signal controller cabinet, power cabinet, and ped crossing button need to be relocated behind the sidewalk. The existing sidewalk is outside R/W in this location. Existing wood post mounted sign will be relocated.
5	NW	Raman Inc	509 NE Baker St McMinnville OR 97128	32.00 sf	0.00 sf	Yes	In order to maintain the ADA required 4' x 4' landing the signal pole needs to be located behind the sidewalk. The signal pole will have the ped crossing buttons and needs to be located at the back of the single parallel ramp. The property owner's sign is located in the fee area and needs to be relocated due to the signal pole location.
5th/Davis							
6	SW	Oregon Mutual Insurance Co.	347 NE 4th St McMinnville OR 97128	0.00 sf	93.55 sf	Yes	The existing R/W line is right at the back edge of sidewalk. With the contractor replacing this sidewalk a TCE is necessary for the contractor to perform the work and fix any accidental damage.
5th/Evans							
7	NE	Yamhill County	535 NE 5th St, McMinnville OR 97128	18.69 sf	0.00 sf	Yes	In order to maintain the 4' x 4' ADA landing the signal pole needs to be located at the back of sidewalk and near the landing of the 2 perpendicular ramps.
8	SE	Yamhill County	434 NE Evans St, McMinnville OR 97128	38.99 sf	0.00 sf	Yes	In order to maintain the 4' x 4' ADA landing the signal pole needs to be located at the back of sidewalk and near the landing of the 2 perpendicular ramps.
9	SW	BBG Investments	422 NE 5th St, McMinnville OR 97128	20.83 sf	0.00 sf	Yes	In order to maintain the 4' x 4' ADA landing the signal pole needs to be located at the back of sidewalk and near the landing of the 2 perpendicular ramps. 10' lateral clearance from existing OH lines required unless OH utilities are relocated.
5th/Lafayette Signal							
10	SW	Stocks, Kathleen	435 NE Johnson St McMinnville OR 97128	39.05 sf	0.00 sf	Yes	In order to maintain the 4' x 4' ADA landing the signal pole needs to be located at the back of sidewalk and near the landing of the parallel ramp. 10' lateral clearance from existing OH lines required unless OH utilities are relocated.

Parcel 1 – Fee

A parcel of land lying in the SE1/4 of the NE1/4 of Section 20, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of Lot 4, Block 5, of the "Original Plat of McMinnville", recorded July 3, 1865 in Deed Book G, Page 334, Deed Records of Yamhill County, said parcel being that portion of said property Northerly of the following described line:

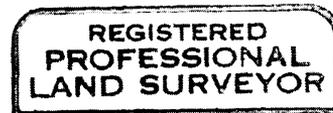
Beginning at a point opposite and 41.00 feet Southerly of Engineer's Station 100+24.93 on the herein described center line of NE 5th Street; thence N46°33'54"E in a straight line to a point opposite and 25.00 feet Southerly of Engineer's Station 100+40.78 on said center line.

The center line of NE 5th Street is described as follows:

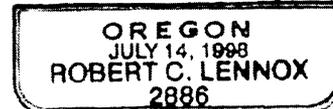
Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

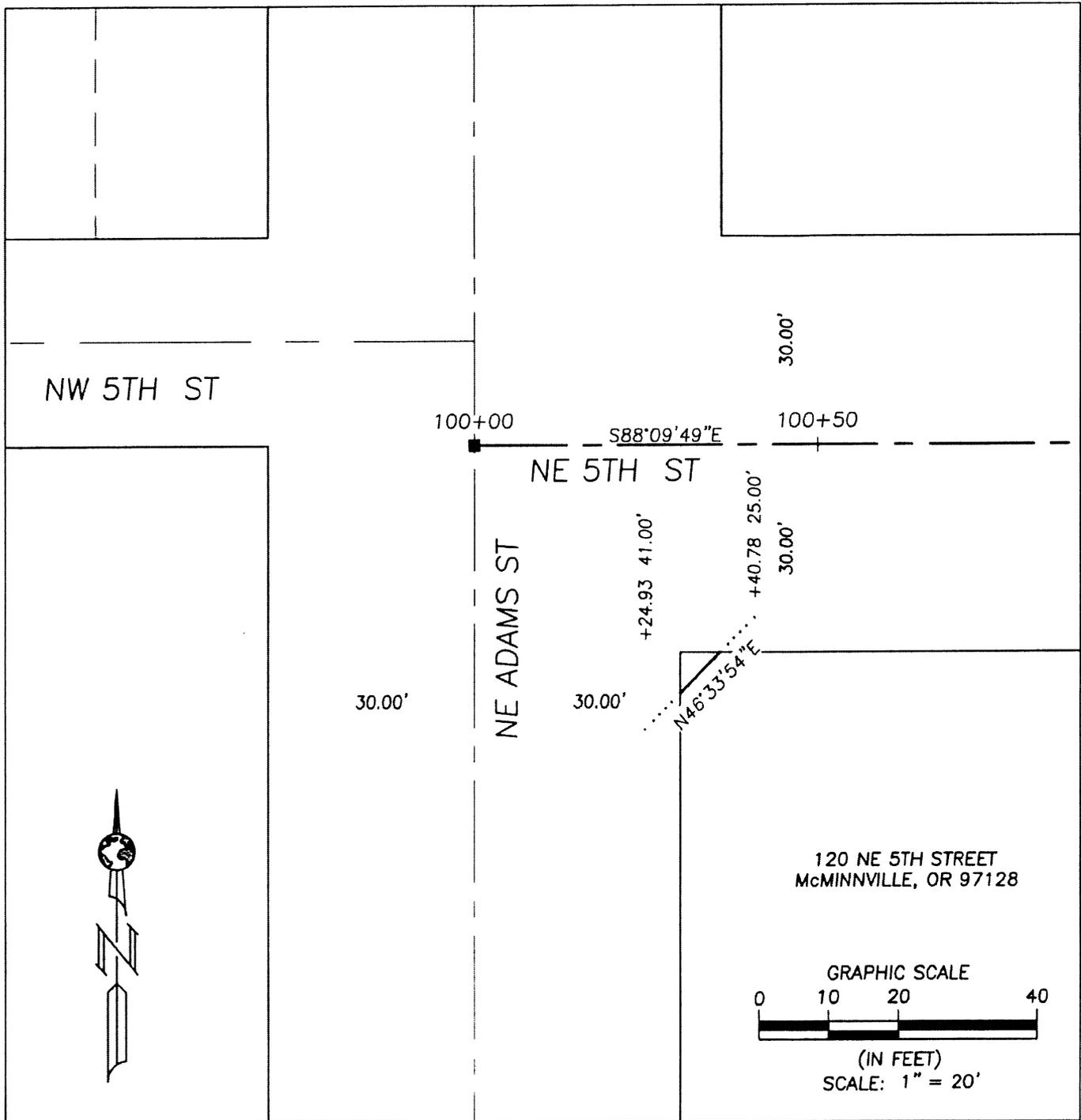
Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 17 square feet, more or less, outside the existing right of way.



Robert C. Lennox





REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-16

EXHIBIT B

120 NE 5TH STREET, MCMINNVILLE
NE 1/4 SECTION 20, T4S. R4W, W.M., YAMHILL
COUNTY, OREGON

DATE JANUARY 25, 2016

JOB NO 2015010

bluedot
group

land surveying & mapping
11700 sw 67th ave
portland, or 97223
v. 503.624.0108
www.bluedotgrp.com

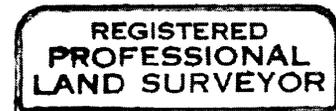
Parcel 1 – Fee

A parcel of land lying in the SE1/4 of the NE1/4 of Section 20, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in Statutory Warranty Deed to Ninety Degrees, LLC, recorded January 17, 2014 as Document No. 201400629, Deed Records of Yamhill County, said parcel being that portion lying Southeasterly of the following described line:

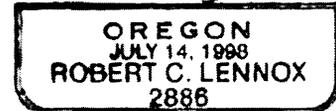
Beginning at the centerline intersection of NE 5th Street and NE Adams Street, monumented by a 3/4" iron bar, with a punch mark, in a case, from which the centerline intersection of NE 5th Street and NE Cows Street, monumented by a 1-1/2 inch inside diameter iron pipe with a 5/8 iron rod, in a case, bears South 88° 09' 49" East, a distance of 300.07 feet and South 88° 11' 09" East, a distance of 300.09 feet; thence North 57° 00' 31" West, a distance of 48.32 feet to the POINT OF BEGINNING of the herein described line; thence North 46° 47' 57" East, a distance of 23.00 feet.

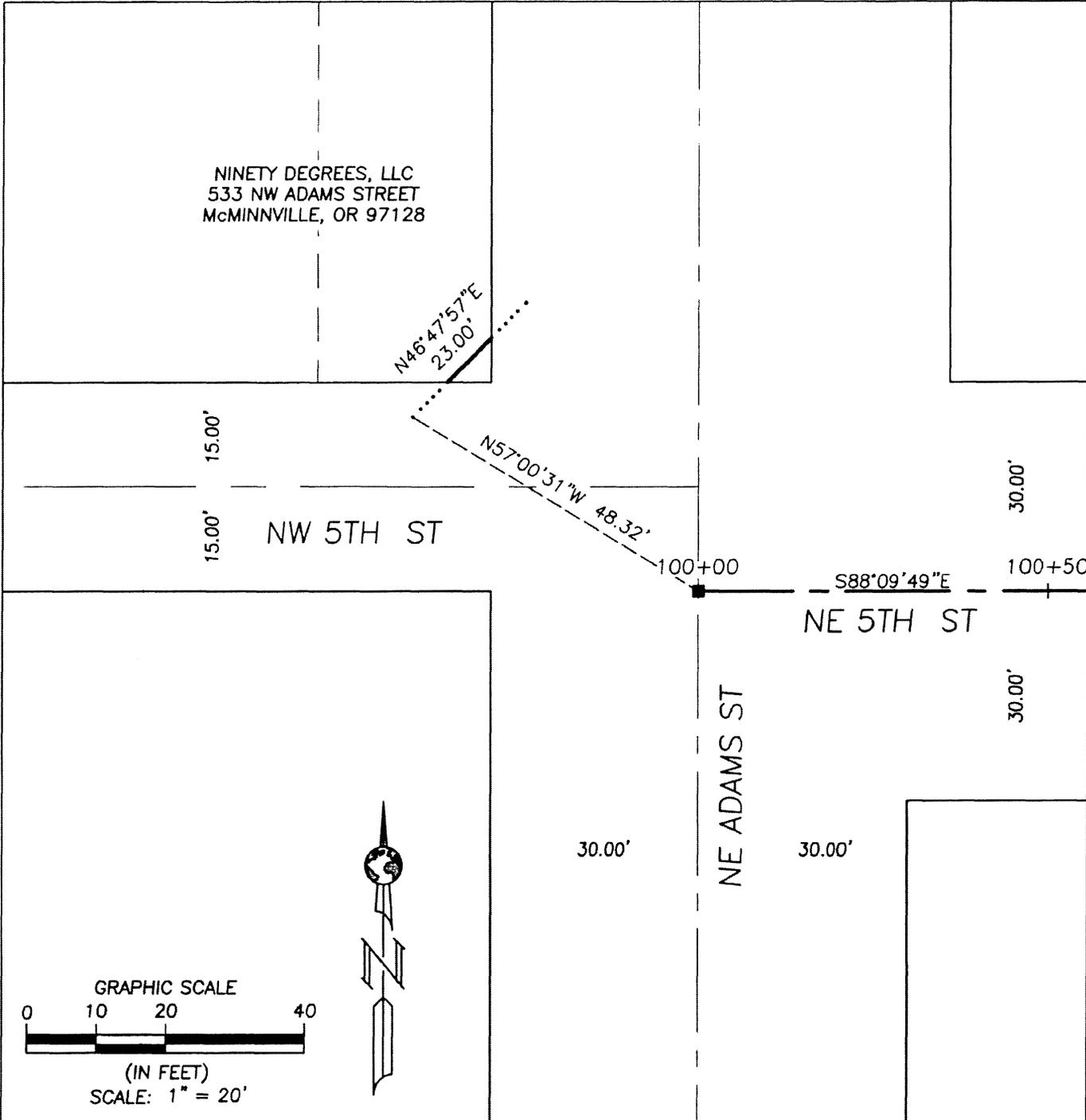
Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 20 square feet, more or less, outside the existing right of way.



Robert C. Lennox





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LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RFNEWAL: 12-31-16

EXHIBIT B

NINETY DEGREES, LLC PROPERTY
533 NW ADAMS STREET, MCMINNVILLE
NE 1/4 SECTION 20, T4S, R4W, W.M., YAMHILL
COUNTY, OREGON

DATE JANUARY 15, 2016

JOB NO. 2015010

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land surveying & mapping
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EXHIBIT A - Page 1 of 1

Parcel 1 – Fee

A parcel of land lying in the SW1/4,NW1/4 of Section 21, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Warranty Deed to Oregon Mutual Insurance Company recorded July 1, 1974 in Book 100, Page 1889, Deed Records of Yamhill County, said parcel being that portion of said property Northerly of the following described line:

Beginning at a point opposite and 45.00 feet Southerly of Engineer's Station 103+25.21 on the herein described center line of NE 5th Street; thence N60°02'05"E in a straight line to a point opposite and 25.00 feet Southerly of Engineer's Station 103+57.50 on said center line.

The center line of NE 5th Street is described as follows:

Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 117 square feet, more or less, outside the existing right of way.

Parcel 2 – Temporary Easement for Construction

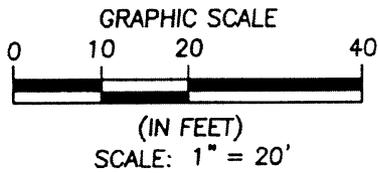
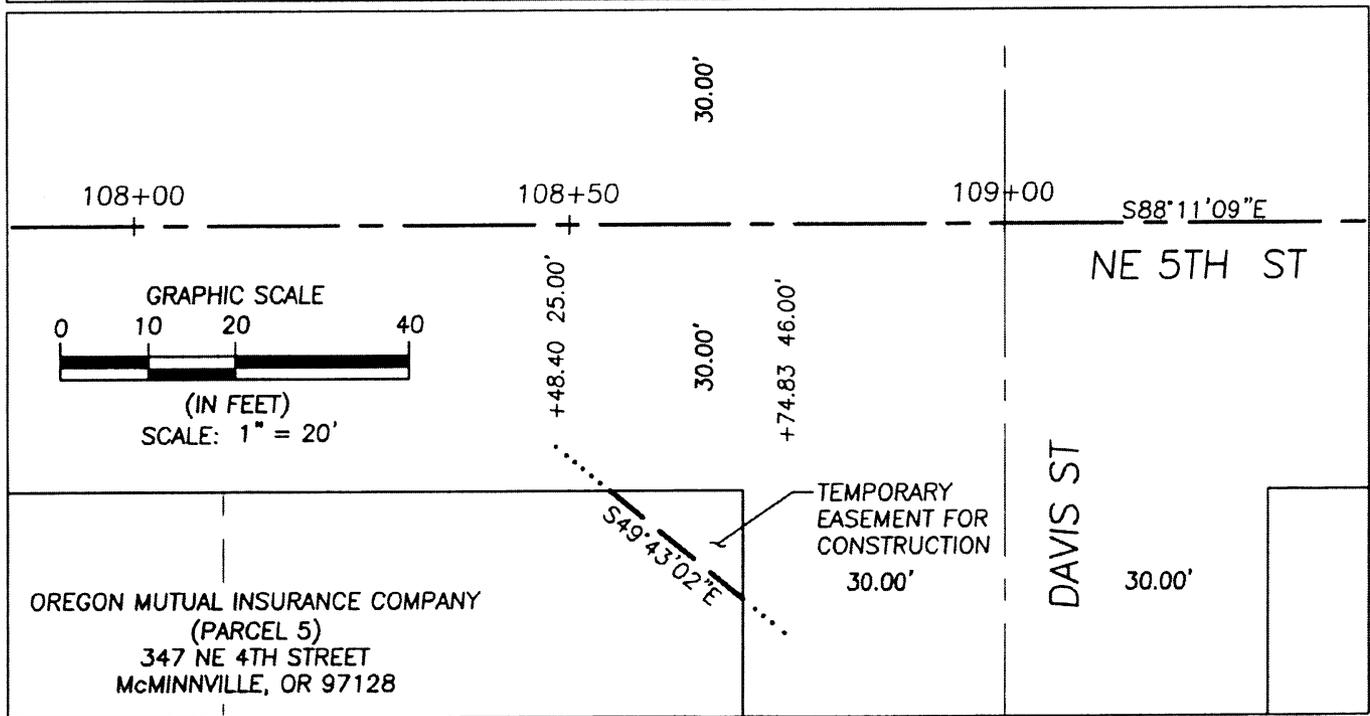
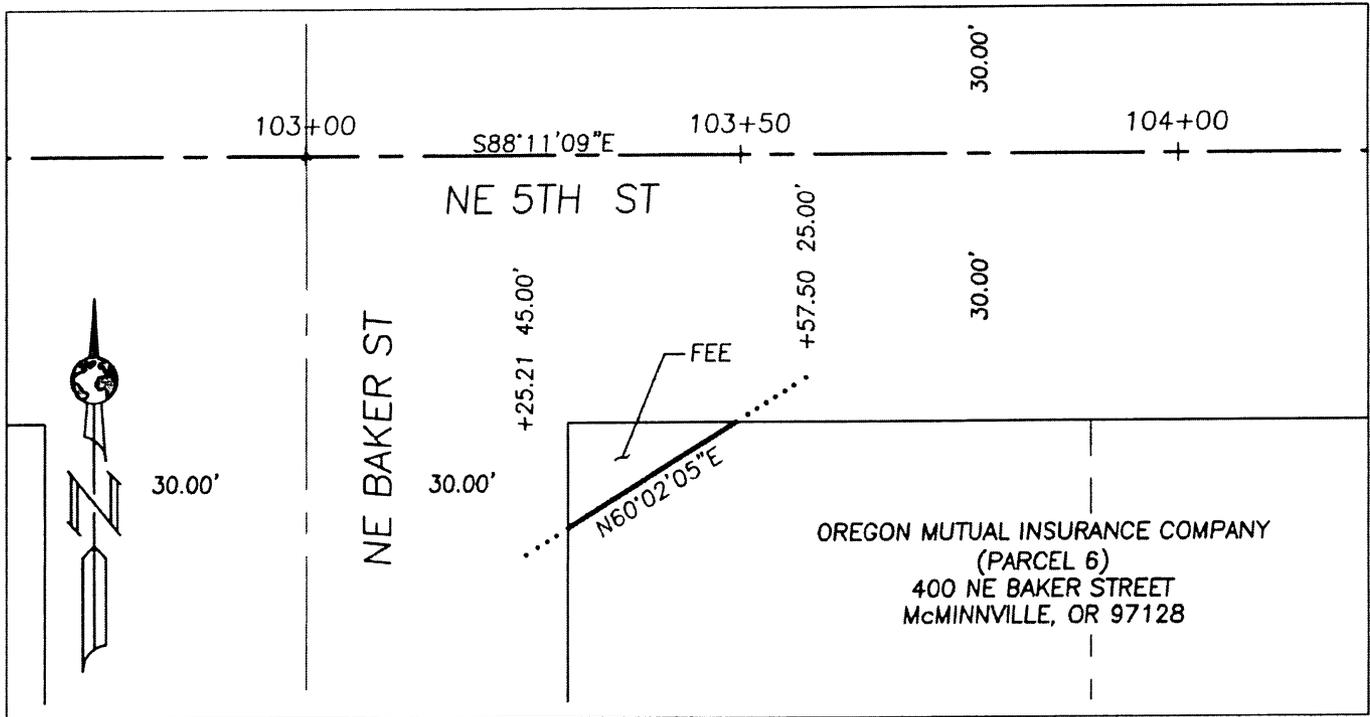
A parcel of land lying in the SW1/4,NW1/4 of Section 21, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Warranty Deed to Oregon Mutual Insurance Company recorded July 10, 1967 as Volume 61, Page 357, Deed Records of Yamhill County, said parcel being that portion of said property Northerly of the following described line:

Beginning at a point opposite and 25.00 feet Southerly of Engineer's Station 108+48.40 on the herein described center line of NE 5th Street; thence S49°43'02"E in a straight line to a point opposite and 46.00 feet Southerly of Engineer's Station 108+74.83 on said center line.

The center line of NE 5th Street is described in Parcel 1.

This parcel of land contains 94 square feet, more or less, outside the existing right of way.





REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Robert C. Lennox

OREGON
 JULY 14, 1998
 ROBERT C. LENNOX
 2886

RENEWAL: 12-31-16

EXHIBIT B

OREGON MUTUAL INSURANCE COMPANY
 400 NE BAKER STREET, & 347 NE 4TH STREET,
 NW 1/4 SECTION 21, T4S, R4W, W.M., YAMHILL
 COUNTY, MCMINNVILLE, OREGON

DATE JANUARY 15, 2016

JOB NO 2015010

bluedot
 group

land surveying & mapping
 11700 sw 67th ave
 portland, or 97223
 v. 503.624.0108
 www.bluedotgrp.com

Parcel 1 – Fee

A parcel of land lying in the SE1/4 of the NE1/4 of Section 20, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Statutory Warranty Deed to Citizens Bank recorded February 5, 1999 as Document No. 199902493, Deed Records of Yamhill County, said parcel being that portion of said property included in a strip of land variable in width lying on the Southerly side of the center line of NE 5th Street, which center line is described as follows:

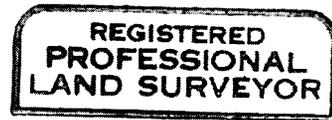
Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

The width in feet of said strip of land is as follows:

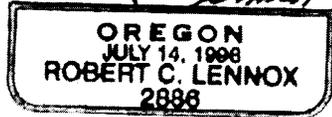
Station	to	Station	Width on South Side of Center Line
102+46.00		102+59.74	32.00
102+59.74		102+75.08	32.00 in a straight line to 44.00

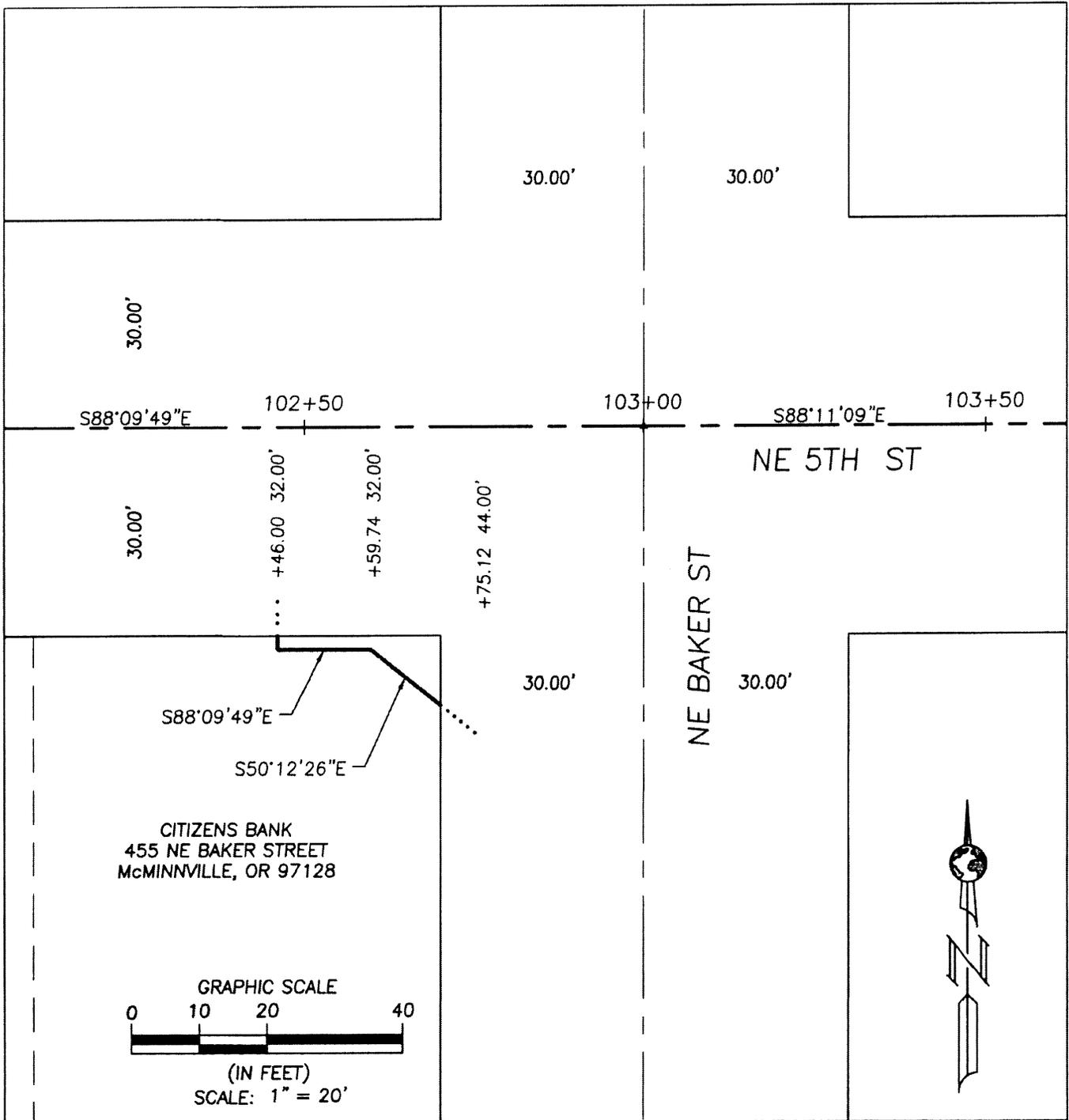
Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 89 square feet, more or less, outside the existing right of way.



Robert C. Lennox





REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-16

EXHIBIT B
CITIZENS BANK
455 NE BAKER STREET McMINNVILLE 1/4
SECTION 20, T4S, R4W, W.M., YAMHILL COUNTY,
OREGON

DATE JANUARY 15, 2016

JOB NO 2015010

**bluedot
group**

land surveying & mapping
11700 sw 67th ave
portland, or 97223
v. 503.624.0108
www.bluedotgrp.com

Parcel 1 – Fee

A parcel of land lying in the SE1/4, of the NE1/4 of Section 20, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Trustee's Deed to Raman Inc, an Oregon Corporation, recorded September 19, 2011 as Document No. 2011-12065, Deed Records of Yamhill County, said parcel being that portion of said property Southerly of the following described line:

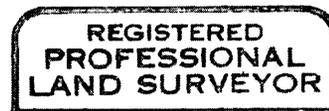
Beginning at a point opposite and 25.00 feet Northerly of Engineer's Station 102+57.13 on the herein described center line of NE 5th Street; thence N46°52'25"E in a straight line to a point opposite and 43.00 feet Northerly of Engineer's Station 102+75.15 on said center line.

The center line of NE 5th Street is described as follows:

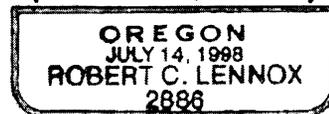
Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 32 square feet, more or less, outside the existing right of way.



Robert C. Lennox



Parcel 1 – Fee

A parcel of land lying in the SE1/4 of the NE1/4 of Section 20, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Bargain and Sale Deed to Yamhill County, State of Oregon, recorded June 5, 1888 as Book Y, Page 595, Deed Records of Yamhill County, said parcel being that portion of said property Southerly of the following described line:

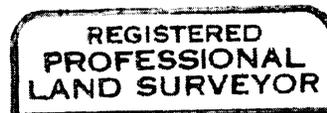
Beginning at a point opposite and 41.00 feet Northerly of Engineer's Station 112+25.27 on the herein described center line of NE 5th Street; thence S43°11'13"E in a straight line to a point opposite and 41.00 feet Northerly of Engineer's Station 112+41.27 on said center line.

The center line of NE 5th Street is described as follows:

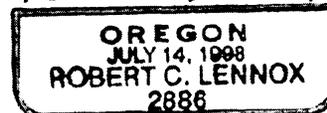
Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 18 square feet, more or less, outside the existing right of way.



Robert C. Lennox



Parcel 1 – Fee

A parcel of land lying in the SW1/4 of the NW1/4 of Section 21, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Statutory Warranty Deed to Yamhill County, State of Oregon, recorded July 28, 2005 as Document No. 200516209, Deed Records of Yamhill County, said parcel being that portion of said property Northerly of the following described line:

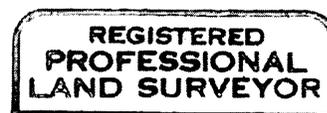
Beginning at a point opposite and 44.00 feet Southerly of Engineer's Station 112+25.00 on the herein described center line of NE 5th Street; thence N46°48'51"E in a straight line to a point opposite and 25.00 feet Southerly of Engineer's Station 112+44.00 on said center line.

The center line of NE 5th Street is described as follows:

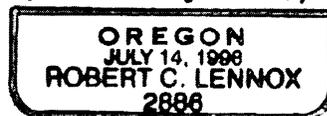
Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

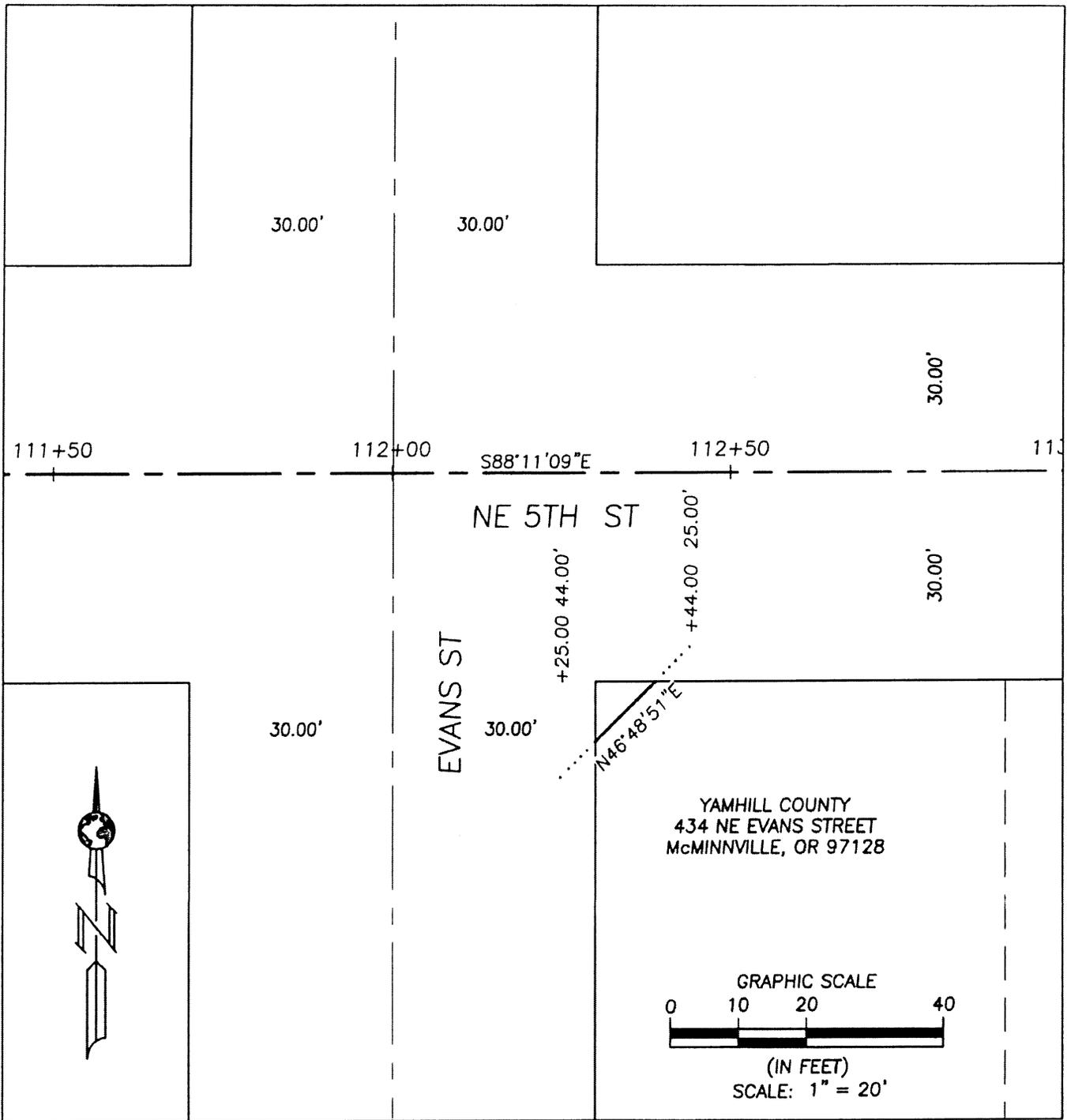
Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 39 square feet, more or less, outside the existing right of way.



Robert C. Lennox





REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-16

EXHIBIT B

YAMHILL COUNTY
434 NE EVANS STREET McMinnville
NW 1/4 SECTION 21, T4S. R4W, W.M., YAMHILL
COUNTY, OREGON

DATE JANUARY 25, 2016

JOB NO 2015010

bluedot
group

land surveying & mapping
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portland, or 97223
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www.bluedotgrp.com

Parcel 1 – Fee

A parcel of land lying in the SW1/4 of the NW1/4 of Section 21, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Bargain and Sale Deed to BBG Investments, LLC recorded December 23, 2014 as Instrument No. 201416095, Yamhill County Deed Records, said parcel being that portion of said property Northerly of the following described line:

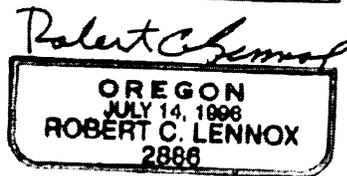
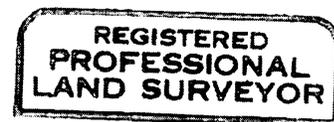
Beginning at a point opposite and 25.00 feet Southerly of Engineer's Station 111+58.77 on the herein described center line of NE 5th Street; thence S42°58'08"E in a straight line to a point opposite and 42.00 feet Southerly of Engineer's Station 111+75.64 on said center line.

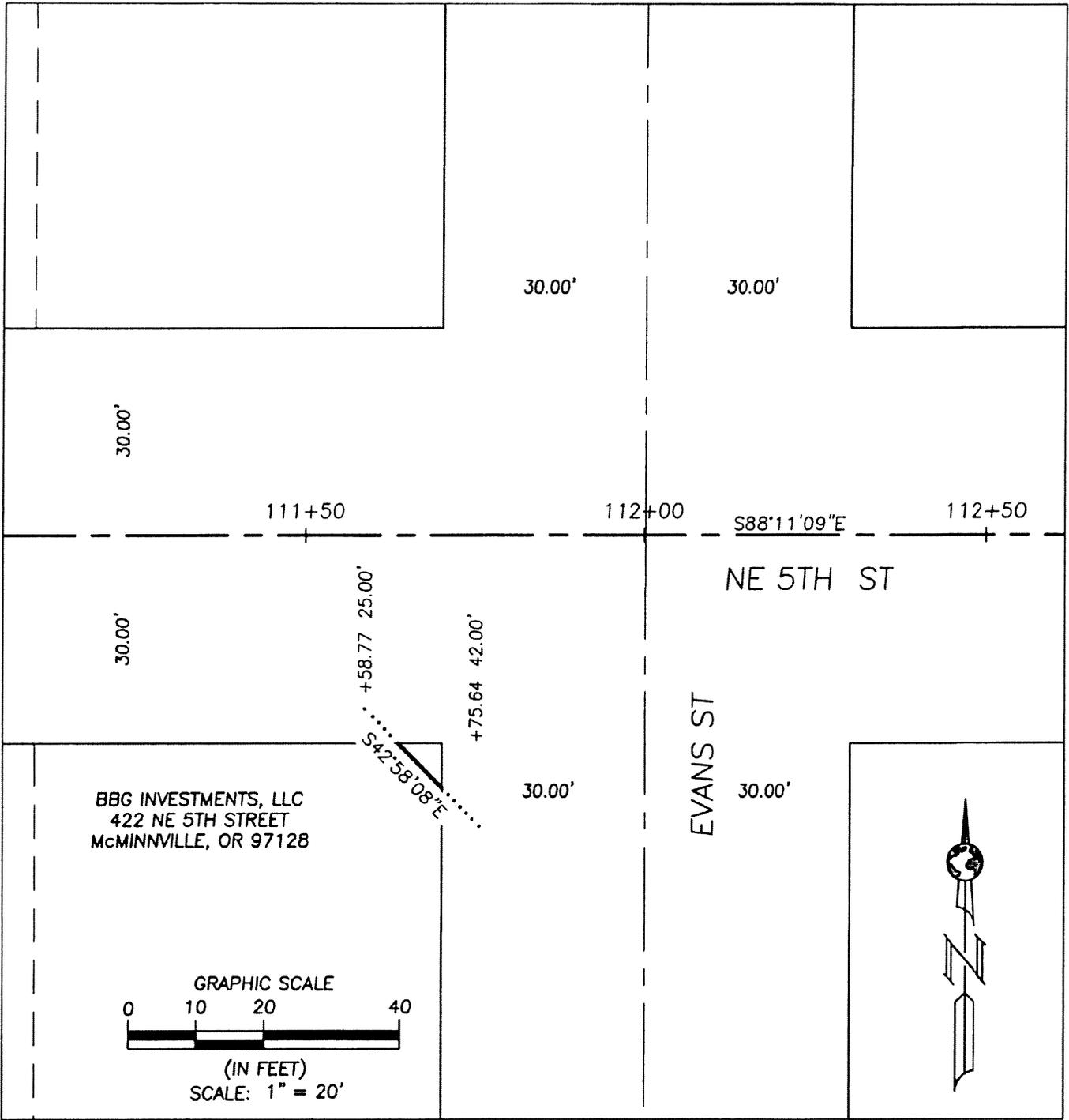
The center line of NE 5th Street is described as follows:

Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 21 square feet, more or less, outside the existing right of way.





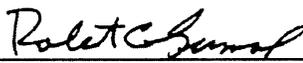
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JULY 14, 1998
 ROBERT C. LENNOX
 2886
 RENEWAL: 12-31-16

EXHIBIT B
 BBG INVESTMENTS, LLC
 422 NE 5TH STREET, McMinnville
 NW 1/4 SECTION 21, T4S, R4W, W.M., YAMHILL
 COUNTY, OREGON
 DATE JANUARY 15, 2016
 JOB NO 2015010

bluedot
group
 land surveying & mapping
 11700 sw 67th ave
 portland, or 97223
 v. 503.624.0108
 www.bluedotgrp.com

Parcel 1 – Fee

A parcel of land lying in the SE1/4,NW1/4 of Section 21, Township 4 South, Range 4 West, W.M., Yamhill County, Oregon; said parcel being a portion of that property described in that Quitclaim Deed to Kathleen Stocks recorded May 26, 2009 as Document No. 200907777, Yamhill County Deed Records, said parcel being that portion of said property Northerly of the following described line:

Beginning at a point opposite and 25.00 feet Southerly of Engineer's Station 126+56.39 on the herein described center line of NE 5th Street; thence S43°11'15"E in a straight line to a point opposite and 44.00 feet Southerly of Engineer's Station 126+75.39 on said center line.

The center line of NE 5th Street is described as follows:

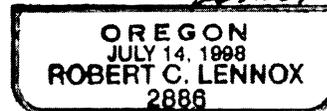
Beginning at Engineer's center line station 100+00.00, said station being the centerline intersection of NW 5th Street and NW Adams Street, monumented by 3/4" iron bar, with a punch mark, in a monument case; thence South 88° 09' 49" East, a distance of 300.07 feet; thence South 88° 11' 09" East, a distance of 2,270.32 feet; thence South 88° 11' 17" East, a distance of 704.14 feet to Engineer's center line station 132+74.53, said station being the centerline intersection of said NW 5th Street and NW Logan Street, monumented by 1/2" iron pipe in a monument case.

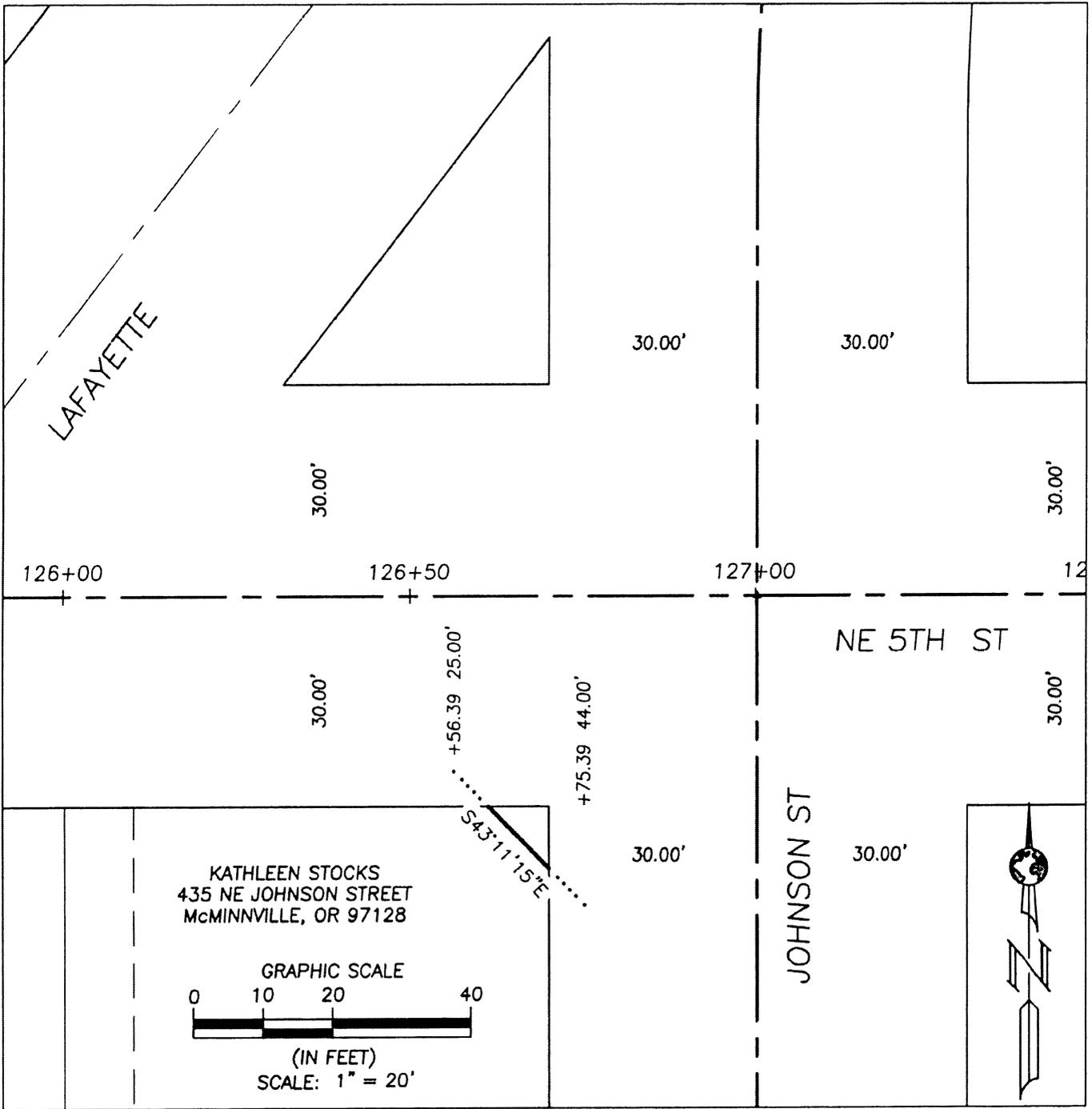
Bearings are based on County Survey No. 13151 Yamhill County Survey Records, recorded January 11, 2016, Yamhill County, Oregon.

This parcel of land contains 39 square feet, more or less, outside the existing right of way.



Robert C. Lennox





REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-16

EXHIBIT B
KATHLEEN STOCKS
435 NE JOHNSON STREET, McMINNVILLE
NW 1/4 SECTION 21, T4S, R4W, W.M., YAMHILL
COUNTY, OREGON

DATE JANUARY 15, 2016

JOB NO. 2015010

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group**

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